

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

Government,

-against-

JEFFREY MUSUMECI,

Defendant.

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ORDER

07 CR. 402 (RMB)

The Court has received a motion dated, October 17, 2018, from Jeffrey Musumeci, pro se, Reg. No. 59877-054, requesting a “judicial recommendation for 12 months RRC [residential reentry center] placement”. Mr. Musumeci has been in the custody of the Bureau of Prisons (“BOP”) since April 3, 2008. He has been incarcerated for more than 11 years. His BOP release date is January 11, 2021.

The Court is also in receipt of a letter, dated September 23, 2019, from Mr. Musumeci’s daughter in support of her father’s request. “My father is 65 years old. . . When he is released he will be living in my house . . . He suffers from a kidney disease, the closing of his trachea . . . and is in need of a knee replacement.”

The Court is aware that the BOP has the authority and discretion to designate the facilities at which prisoners serve their sentences. See Owusu-Sakyi v. Terrell, 2010 WL 3154833, *5, No. 10 CV 507 (E.D.N.Y. Aug. 9, 2010); see also 18 U.S.C. § 3621(b) and 18 U.S.C. § 3624(c)(1) (“The Director of the Bureau of Prisons shall, to the extent practicable, ensure that a prisoner serving a term of imprisonment spends a portion of the final months of that term (not to exceed 12 months), under conditions that will afford that prisoner a reasonable

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DOC #: 115/2020
DATE FILED: 115/2020

opportunity to adjust to and prepare for the reentry of that prisoner into the community. Such conditions may include a community correctional facility.”)

The Court is also aware that BOP is amenable to requests from sentencing judges. In light of Mr. Musumeci’s age, the time he has already spent in custody, his health conditions, and his release date, the Court respectfully recommends and requests that the Bureau of Prisons permit Mr. Musumeci to serve the remainder of his current custodial term in a residential reentry center, effective as soon as practicable.

Dated: New York, New York
January 15, 2020


RICHARD M. BERMAN, U.S.D.J.

cc: Jessica Beatty

Copies Mailed By Chambers